

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

SHAWN P. WINFREE,

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-06332

SOUTH CENTRAL REGIONAL JAIL, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court are Officer Roop and the South Central Regional Jail's ("Regional Jail Defendants") Motion to Dismiss, (ECF No. 16), PrimeCare Medical, Inc. and Nurse Shawanna's ("PrimeCare Defendants") Motion to Dismiss, (ECF No. 19), and the Regional Jail Defendants' subsequent Motion to Dismiss for Failure to Prosecute, (ECF No. 22), in which the PrimeCare Defendants have moved to join, (ECF No. 24). By Standing Order entered January 4, 2016 and filed in this case on July 14, 2016, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley entered his PF&R on January 16, 2018, recommending that the Court grant the three motions to dismiss and the PrimeCare Medical Defendants' motion for joinder and dismiss this civil action with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(6) and 41(b). (ECF No. 25.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the PF&R in this case were due on February 2, 2018. To date, no objections have been filed. The Court therefore **ADOPTS** the PF&R (ECF No. 25), and **GRANTS** Defendants' motions to dismiss, (ECF Nos. 16, 19, 22), and the PrimeCare Medical Defendants' motion for joinder, (ECF No. 24). The Court further dismisses this matter **WITH PREJUDICE** pursuant to Federal Rules of Civil Procedure 12(b)(6) and 41(b) and **DIRECTS** the Clerk to remove this action from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 6, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE